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1516-CV19964 - TIMOTHY K RENKEN V CAPTAIN D'S, LLC (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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10/13/2015

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Document ID - 15-SMCC-9549; Served To - CAPTAIN D'S, LLC; Server - ; Served Date - 07-OCT-15; Served Time - 09:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served CT Corp, LCW - A. Cairns

09/30/2015

☐ [Cert Serv Req Prod Docs Things](#)

Certificate of Mailing.

Filed By: DANA MARK HARRIS

On Behalf Of: TIMOTHY K RENKEN

09/24/2015

☐ [Summons Issued-Circuit](#)

Document ID: 15-SMCC-9549, for CAPTAIN D'S, LLC.

☐ [Note to Clerk eFiling](#)
Filed By: DANA MARK HARRIS

☐ [Request Filed](#)

Amended Request for Summons.

Filed By: DANA MARK HARRIS

09/23/2015

☐ [Correspondence Sent](#)
☐ [Request Filed](#)

Request.

Filed By: DANA MARK HARRIS

On Behalf Of: TIMOTHY K RENKEN

☐ [Correspondence Sent](#)
☐ [Case Mgmt Conf Scheduled](#)
Scheduled For: 01/04/2016; 9:00 AM ; JOEL P FAHNESTOCK; Jackson - Kansas City

09/22/2015

☐ [Judge Assigned](#)
☐ [Filing Info Sheet eFiling](#)
Filed By: DANA MARK HARRIS

☐ [Pet Filed in Circuit Ct](#)

Petition.

On Behalf Of: TIMOTHY K RENKEN

Case.net Version 5.13.7.3

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Released 09/14/2015



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TIMOTHY RENKEN,

Plaintiff,

v.

Case No.:

CAPTAIN D'S, LLC,

Defendant.

SERVE Registered Agent:

CT Corporation
120 South Central Avenue
Clayton, Missouri 63105

PETITION

COMES NOW Plaintiff, Timothy Renken, by and through one of his attorneys of record, Dana M. Harris of Harris & Hart, L.L.C, and for his Petition, states:

GENERAL ALLEGATIONS

1. Plaintiff is, and at all times relevant hereto was a resident of Belton, Cass County, Missouri.
2. Defendant, Captain D's, LLC. is a Delaware Limited Liability Company that is authorized to and does transact business in the State of Missouri.
3. The incident described in the Petition below occurred at the restaurant owned and operated by Defendant, located at 5805 Main, Grandview, Jackson County, Mo.
4. Jurisdiction and venue are proper since the tortious acts in question occurred in Grandview, Missouri.

COUNT I

5. Plaintiff incorporates by reference herein the allegations set forth in paragraphs 1-4 above.
6. On December 20, 2013, Plaintiff was a customer and business invitee in the restaurant owned by operated by Defendant, located at 5805 Main, Grandview, Jackson County, Missouri.
7. Plaintiff purchased food and his order was filled by employees of Defendant. Defendant then walked to the condiment table/station.
8. As he stood at the condiment table, Plaintiff was unaware that a dangerous situation had been created by employees of Defendant. Specifically, employees of Defendant, acting in the course and scope of their employment had plugged an electric cord into a socket below the condiment table for purposes of later use in playing a portable music device. The wire was concealed under the condiment table/station such that it was not visible to customers at the table/station. The wire was hanging in such a manner so as to create a hazard to Plaintiff and other patrons in that it created an unreasonable risk of entanglement that would cause Plaintiff or other patrons to trip and fall.
9. Plaintiff's leg became entangled in the hanging electrical cord causing him to trip and fall on his left side, causing him to suffer a broken rib and an injury to his left shoulder.
10. Under Missouri Law Defendant and its employees owed a legal duty to Plaintiff and other patrons a duty to exercise ordinary care to insure that the restaurant was maintained in a reasonably safe condition in order to protect the safety of its customers/business invitees.

11. Defendant and its employees were negligent and breached their duty of ordinary care and was negligent in:

- a. Knowingly creating and allowing a dangerous and concealed tripping hazard to exist under the condiment station; and/or
- b. Failed to warn Plaintiff's or others of the tripping hazard that had been created by virtue of the electrical cord that was hanging under the condiment table/station.

12. Defendant's employees were acting in the course and scope of their employment such that Defendant is vicariously liable for their negligence under Missouri law.

13. Captain D's, through its employees and agents, have previously admitted that its employees were negligent and that is it responsible for any damages that Plaintiff may have suffered.


14. As the result of the negligence of Defendant's employees described above, Defendant a fracture to his left eight rib and an injury to his left shoulder that led to a surgical repair of the shoulder. In addition, Plaintiff suffered a loss of wages as the result of the above injuries and surgery. Plaintiff further incurred medical expenses in order to treat the above injuries. Plaintiff has further suffered physical pain and suffering and mental anguish as the result of the injuries and will continue to suffer pain in the future.

15. As the direct result of the carelessness and negligence of Defendant and its employees, Plaintiff, Timothy Renken, suffered actual damages in excess of \$25,000.

WHEREFORE, for the reasons set forth above, Plaintiff, Timothy Renken, prays for judgment in his favor in excess of \$25,000; and for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

HARRIS & HART, LLC


Dana M. Harris #36008
4501 College Boulevard, Suite 190
Leawood, Kansas 66211
(913) 213-6980/FAX (913) 213-6991
dharris@harrisandhart.com
ATTORNEY FOR DEFENDANT

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TIMOTHY K RENKEN,

PLAINTIFF(S),

**CASE NO. 1516-CV19964
DIVISION 9**

VS.

CAPTAIN D'S, LLC,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JOEL P FAHNESTOCK** on **04-JAN-2016** in **DIVISION 9** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ JOEL P FAHNESTOCK

JOEL P FAHNESTOCK, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

DANA MARK HARRIS, 4501 COLLEGE BLVD, SUITE 190, LEAWOOD, KS 66211

Defendant(s):

CAPTAIN D'S, LLC

Dated: 23-SEP-2015

Jeffrey A. Eisenbeis
Court Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY ☐ AT INDEPENDENCE

RE: TIMOTHY K RENKEN V CAPTAIN D'S, LLC
CASE NO: 1516-CV19964

TO: DANA MARK HARRIS
4501 COLLEGE BLVD
SUITE 190
LEAWOOD, KS 66211

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on SEPTEMBER 22, 2015. However, your pleading cannot be processed further until the following action is taken:

RULE 3.2 - STYLE

- ☒ Additional service instructions are needed.
☐ Incorrect case number/filed in wrong county.
☐ Document is unreadable.

RULE 4.2 (2)

- ☐ Need Circuit Court Form 4

RULE 5.6 – COLLECTIONS OF DEPOSIT

- ☐ No fee, or incorrect fee, received; fee required is \$ _____.
☐ Insufficient Filing Fee; Please Remit \$ _____.
☐ No signature on check/form 1695.
☐ No request to proceed in forma pauperis.
☐ No personal checks accepted.

RULE 68.1

- ☐ Need Circuit Court Form 17

☒ **OTHER:** To further process your case the above marked box is needed, along with service fee of **\$36.00** if service is to be obtained through the Jackson County, Civil Process Department. If service is to be obtained by Private Process Server, a Motion and Order is needed listing the server(s) name and 2015 PPS#.

- ☒ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.
☐ The private process server listed is not on our approved list.
☐ Execution in effect. Return date _____. Request may be resubmitted within one week prior to return date.
☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.

Please refer to the Court's website at www.16thcircuit.org for Court Rules or Forms.

Copies electronic noticed, faxed, emailed and/or mailed SEPTEMBER 23, 2015 to:

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

SEPTEMBER 23, 2015

Date

By

Patricia A. McElroy

Deputy Court Administrator

- ☒ 415 East 12th St., Kansas City, Missouri 64106
☐ 308 W. Kansas, Independence, Missouri 64050

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TIMOTHY RENKEN,

Plaintiff,

v.

Case No.: 1516-CV19964

CAPTAIN D'S, LLC,

Defendant.

REQUEST

TO THE CLERK

ISSUE summons in the above-entitled cause, returnable according to law and return the same to be served via certified mail by the undersigned attorney to or for the defendant, Captain D's, LLC through Registered Agent: CT Corporation, 120 South Central Avenue, Clayton, Missouri 63105

HARRIS & HART, LLC



Dana M. Harris #36008
4501 College Boulevard, Suite 190
Leawood, Kansas 66211
(913) 213-6980/FAX (913) 213-6991
dharris@harrisandhart.com
ATTORNEY FOR DEFENDANT

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☐ AT KANSAS CITY ☐ AT INDEPENDENCE

RE: TIMOTHY K RENKEN V CAPTAIN D'S, LLC
CASE NO: 1516-CV19964

TO: DANA MARK HARRIS
4501 COLLEGE BLVD
SUITE 190
LEAWOOD, KS 66211

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on September 23, 2015. However, your pleading cannot be processed further until the following action is taken:

RULE 3.2 - STYLE

- ☐ Additional service instructions are needed.
☐ Incorrect case number/filed in wrong county.
☐ Document is unreadable.

RULE 4.2 (2)

- ☐ Need Circuit Court Form 4

RULE 5.6 – COLLECTIONS OF DEPOSIT

- ☐ No fee received; fee required is \$10.00.
☐ Insufficient Filing Fee; Please Remit \$ _____
☐ No signature on check/form 1695.
☐ No request to proceed in forma pauperis.
☐ No personal checks accepted.

RULE 68.1

- ☐ Need Circuit Court Form 17

RULE 68.7 – VITAL STATISTICS REPORT

- ☐ Need Certificate of dissolution of marriage form.

RULE 74.14 SUPREME CT – FOREIGN JUDGMENT

- ☐ Authentication of foreign judgment required.
☐ Affidavit pursuant to Supreme Court Rule 74.14

RULE 54.12 SERVICE IN REM OR QUASI IN REM ACTIONS

- ☐ Affidavit for Service by Publication required pursuant to Supreme Court Rule 54.12c.
☐ Order for Service by Publication required pursuant to Supreme Court Rule 54.12c.
☐ Notice for Service by Publication required pursuant to Supreme Court Rule 54.12c.
☐ Affidavit for Service by Certified/Registered Mail pursuant to Supreme Court Rule 54.12b.

☐ **OTHER:** Your request for service through Certified Mail cannot be processed at this time. The court clerk is required to handle the certified mailing of the summons and related documents therefore an "Affidavit for Service by Certified Mail and the service fee of \$10 is needed before the summons can be issued.

- ☐ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.
☐ The private process server listed is not on our approved list.
☐ Execution in effect. Return date _____. Request may be resubmitted within one week prior to return date.
☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.

Please refer to the Court's website at www.16thcircuit.org for Court Rules or Forms.

Copies electronic noticed, faxed, emailed and/or mailed SEPTEMBER 23, 2015 to:

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

SEPTEMBER 23, 2015

Date

By



Patricia McIntosh 816-881-3906

Deputy Court Administrator

- ☐ 415 East 12th St., Kansas City, Missouri 64106
☐ 308 W. Kansas, Independence, Missouri 64050

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TIMOTHY RENKEN,

Plaintiff,

v.

Case No.: 1516-CV19964

CAPTAIN D'S, LLC,

Defendant.

AMENDED REQUEST

TO THE CLERK

ISSUE a summons in the above-entitled cause, returnable according to law and direct the same to be served by the Sheriff of St. Louis County, State of Missouri, to or for the defendant, Captain D's, LLC through Registered Agent: CT Corporation, 120 South Central Avenue, Clayton, Missouri 63105.

Date issued:

By: _____, Deputy

HARRIS & HART, LLC



Dana M. Harris #36008
4501 College Boulevard, Suite 190
Leawood, Kansas 66211
(913) 213-6980/FAX (913) 213-6991
dharris@harrisandhart.com
ATTORNEY FOR DEFENDANT




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JOEL P FAHNESTOCK	Case Number: 1516-CV19964
Plaintiff/Petitioner: TIMOTHY K RENKEN	Plaintiff's/Petitioner's Attorney/Address DANA MARK HARRIS 4501 COLLEGE BLVD SUITE 190 LEAWOOD, KS 66211
Defendant/Respondent: CAPTAIN D'S, LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

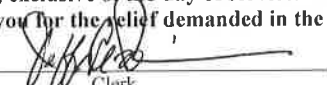
The State of Missouri to: CAPTAIN D'S, LLC
Alias:

SEVE REGISTERED AGENT
CT CORPORATION
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

24-SEP-2015
Date


Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____ (address)

Served at _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public _____

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ 10.00
Supplemental Surcharge	\$ _____
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

TIMOTHY RENKEN,

Plaintiff,

v.

Case No.: 1516-CV19964

CAPTAIN D'S, LLC,

Defendant.

CERTIFICATE OF MAILING

I, Dana M. Harris, of Harris & Hart, L.L.C., attorney for Plaintiff, hereby certify that the original of Defendant's First Request for Production of Documents to Defendant, Captain D's, LLC; Defendant's Opening Interrogatories to Defendant, Captain D's and of Plaintiff, Timothy Renken's First Request for Admissions Directed to Defendant, Captain D's, LLC, prepared in Microsoft Word were transmitted with the Plaintiff's Petition, to the Sheriff of St. Louis County, Missouri for service upon: CT Corporation, Registered Agent for Captain D's, LLC on the 29th day of September, 2015.

HARRIS & HART, LLC



Dana M. Harris #36008
4501 College Boulevard, Suite 190
Leawood, Kansas 66211
(913) 213-6980/FAX (913) 213-6991
dharris@harrisandhart.com
ATTORNEY FOR DEFENDANT



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

513
10-24

Judge or Division: JOEL P FAHNESTOCK	Case Number: 1516-CV19964
Plaintiff/Petitioner: TIMOTHY K RENKEN	Plaintiff's/Petitioner's Attorney/Address DANA MARK HARRIS 4501 COLLEGE BLVD SUITE 190 LEAWOOD, KS 66211
Defendant/Respondent: CAPTAIN D'S, LLC	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Pers Injury-Other	


FILED - CIVIL COURT
JACKSON COUNTY, MO
15 OCT 13 PM 2:18

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CAPTAIN D'S, LLC
Alias:

SEVE REGISTERED AGENT
CT CORPORATION
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

24-SEP-2015
Date

30 CTCOR

[Signature]
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☒ other _____ (name) _____ (title).

Served at **CT CORP.** **LCW - A. CAIRNS** _____ (address)

in **St. Louis County** (County/City of St. Louis), MO, on **OCT 07 2015** (date) at **9 AM** (time).

LEISINGER
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____

(Seal)

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Received
OCT -2 PM 2:45
St. Louis County
Sheriff's Office

15-SMCC-7730